

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ASTRAZENECA AB, AKTIEBOLAGET
HÄSSLE, ASTRAZENECA LP, KBI INC.,
and KBI-E INC.,

Plaintiffs and
Counterclaim-Defendants,
v.

HANMI USA, INC., HANMI
PHARMACEUTICAL CO., LTD., HANMI
FINE CHEMICAL CO., LTD, and HANMI
HOLDINGS CO., LTD.,

Defendants and
Counterclaim-Plaintiffs.

Civil Action No. 3:11-CV-00760-JAP-TJB

Judge Joel A. Pisano
Magistrate Judge Tonianne J. Bongiovanni

**DECLARATION OF PATRICK L. CHEN IN SUPPORT OF PLAINTIFFS' BRIEF IN
OPPOSITION TO HANMI'S MOTION *IN LIMINE* NO. 2 (TO PRECLUDE NEW CASE
THEORIES NEVER DISCLOSED IN ASTRAZENECA'S CONTENTIONS)**

I, Patrick L. Chen, hereby declare as follows,

1. I am an associate at the law firm of Fitzpatrick, Cella, Harper & Scinto, 1290 Avenue of the Americas, New York, New York 10104-3800, counsel for Plaintiffs AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP, KBI Inc., and KBI-E Inc. in connection with the present action.

2. I make this Declaration on my personal knowledge in support of Plaintiffs' Brief in Opposition to Hanmi's Motion *in limine* No. 2 (To Preclude New Case Theories Never Disclosed in AstraZeneca's Contentions).

3. Attached as Exhibit 1 is a true and correct copy of Hanmi NDA Module 2.4 (HAN0000511 –536).

4. Attached as Exhibit 2 is a true and correct copy of excerpts from the April 26, 2013 Deposition of Jerry L. Atwood, Ph.D.

5. Attached as Exhibit 3 is a true and correct copy of the February 19, 2013 Report of René H. Levy, Ph.D. on Infringement.

6. Attached as Exhibit 4 is a true and correct copy of the February 17, 2013 Report of Stephen G. Davies, D.Phil. on Infringement.

7. Attached as Exhibit 5 is a true and correct copy of the February 18, 2013 Report of Dr. David A. Johnson on Infringement.

8. Attached as Exhibit 6 is a true and correct copy of the February 19, 2013 Report of Stephen R. Byrn, Ph.D. on Infringement.

9. Attached as Exhibit 7 is a true and correct copy of AstraZeneca's Amended Infringement Contentions.

10. Attached as Exhibit 8 is a true and correct copy of AstraZeneca's Statement of Disputed Facts in Support of its Opposition to Hanmi's Motions for Summary Judgment Nos. 1 and 2.

11. Attached as Exhibit 9 is a true and correct copy of Hanmi NDA Module 2.3.S (HAN0000485-510).

12. Attached as Exhibit 10 is a true and correct copy of U.S. Patent No. 5,714,504.

13. Attached as Exhibit 11 is a true and correct copy of U.S. Patent No. 5,877,192.

14. Attached as Exhibit 12 is a true and correct copy of the October 7, 2011 Declaration of Wayne J. Genck, Ph.D.

15. Attached as Exhibit 13 is a true and correct copy of AstraZeneca's Amended Responses to Hanmi's Invalidity Contentions.

16. Attached as Exhibit 14 is a true and correct copy of AstraZeneca's Response to Hanmi's Local Rule 56.1 Statement in Support of Their Opposition to Defendants' Motions for Summary Judgment No. 3, No. 4, and No. 5: Invalidity of U.S. Patent No. 5,714,504 (Claims 1,

2, 4, 6, and 7) Based on “Solid State” and on “Hydrates” and of Non-Infringement of Unasserted Claims.

17. Attached as Exhibit 15 is a true and correct copy of AstraZeneca’s PowerPoint presentation used at the June 20, 2012 summary judgment hearing.

18. Attached as Exhibit 16 is a true and correct copy of the transcript of proceedings at the June 20, 2012 summary judgment hearing.

19. Attached as Exhibit 17 is a true and correct copy of the April 8, 2013 Reply Expert Report of Stephen R. Byrn, Ph.D. Concerning Infringement.

20. Attached as Exhibit 18 is a true and correct copy of Hanmi NDA Module 2.3.P (HAN0000446-483).

21. Attached as Exhibit 19 is a true and correct copy of Hanmi’s Second Amended Non-Infringement and Invalidity Contentions.

22. Attached as Exhibit 20 is a true and correct copy of AstraZeneca’s Responses and Objections to Hanmi’s First Set of Interrogatories.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 6, 2013



Patrick L. Chen